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99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-515

MS. CHANG AI BAE

APRIL 9, 1986.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. MAZZOLI, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 737]

The Committee on the Judiciary, to whom was referred the bill (H.R. 737), for the relief of Ms. Chang Ai Bae, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 2, line 3, after the word "Act.", insert the following proviso:

> *Provided,* That the immigration status authorized under this Act shall only be effective if Ms. Chang Ai Bae applies to the Attorney General for such relief within two years after the date of enactment of this Act."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Ms. Chang Ai Bae, and the amendment provides that relief be sought within two years.

STATEMENT OF FACTS

The beneficiary is a 45-year-old native and citizen of Korea who has been the victim of spousal abuse from her Korean husband whom she left for a battered woman's shelter in 1981 and was divorced in 1984. She has custody of their two U.S. citizen children, ages 14 and 12. She first entered the United States in 1968 as an exchange visitor to provide language training for the Peace Corps and last entered May 3, 1980 on the same type visa. She is not subject to the two-year foreign residence requirement applicable to many exchange visitors. A permanent resident sister resides in the

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United States. Ms. Bae has been employed with the Korean Social Services since 1981 earning $12,000 per year.

The pertinent facts in this case are contained in a letter dated December 8, 1983, from the Commissioner of the Immigration and Naturalization Service to the Chairman of the Committee on the Judiciary regarding a bill then pending for the relief of the same person. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, December 8, 1983.

A26201980.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 443) for the relief of Ms. Chang Ai Bae, there is attached a memorandum of information concerning the beneficiary, who is also the beneficiary of S. 570.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment, upon payment of the required visa fee. It would also direct that a visa number deduction be made.

The beneficiary, a native of Korea, is chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

For the Commissioner
MARVIN T. ELY
(For Greg Leo, Director, Congressional and Public Affairs).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE H.R. 443

Information in this case was received from the beneficiary.

The beneficiary, Chang Ai Bae, was born in Korea on March 29, 1941. She is presently married to In Ha Bae, but has initiated divorce proceedings on the grounds of desertion and cruelty. Mrs. Bae resides in an apartment in Glen Burnie, Maryland with her two United States citizen children, who were born on December 19, 1972 and June 8, 1974 in Ithaca, New York. Since October of 1981, the beneficiary has been employed as an interpreter by the Korean Social Service Center in Baltimore, Maryland. She earns a salary of $9,036 per year plus approximately $300 per month in transportation expenses. Mrs. Bae is a deacon in Young Nak Presbyterian Church where she teaches Bible classes to high school students. She presently receives no support from her husband, has no savings and owns no property of substantial value.

The beneficiary entered the United States in August 1968 as an exchange visitor and departed in November

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1968. Her second entry was from October 1971 to January 1972 as an exchange visitor. During both of these visits the beneficiary was a Korean language instructor to Peace Corps volunteers. Her third entry was from July 5, 1972 to August 15, 1974 as a student at Cornell University, Ithaca, New York.

The beneficiary last entered the United States as the wife of an exchange visitor on May 3, 1980. Her husband was teaching and doing research at Cornell University. Subsequent to separation from her husband and his departure from the United States, Mrs. Bae filed a petition for adjustment of status to temporary worker of distinguished merit. This petition was denied on August 2, 1982 and she was granted until November 6, 1982 to depart the United States voluntarily. She failed to depart as scheduled and an Order to Show Cause was issued on January 13, 1983. On April 19, 1983, the beneficiary was found to be deportable and was granted voluntary departure to October 19, 1983.

The following updated reports were received from the Immigration and Naturalization Service:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, October 1, 1984.

A26201980.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This refers to H.R. 443 in behalf of Ms. Chang Ai Bae, who is also the beneficiary of S. 570.

The beneficiary entered the United States as the spouse of an exchange visitor. A review of her former husband's file indicates that he was not subject to the two-year foreign residency requirement. Therefore, the beneficiary is not subject to this requirement.

Sincerely,

For the Commissioner
(S) MARVIN T. ELY
(For Greg Leo, Director, Congressional and Public Affairs).

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, April 8, 1985.

A26201980.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This refers to H.R. 737 in behalf of Chang Ai Bae, who is also the beneficiary of S. 335 and was the beneficiary of S. 570 and H.R. 443, 98th Congress.

On December 13, 1984, the beneficiary's divorce was finalized in the Circuit Court for Anne Arundel County. The beneficiary was

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awarded no child support or alimony. She is still employed and has received a salary increase to $12,000 per year, plus approximately $300 a month in transportation expenses.

Sincerely,

For the Commissioner
MARVIN T. ELY
(For Greg Leo, Director, Congressional and Public Affairs).

Mrs. Holt, the author of the bill, provided the following statement in support of this legislation.

TESTIMONY OF HON. MARJORIE S. HOLT ON H.R. 737

Mr. Chairman, I first introduced this private bill on behalf of Chang Ai Bae, a South Korean national, in 1982. When I became aware of her case, she was living in a local shelter for battered women, after ten years of physical and mental abuse from her husband, beginning right after their marriage.

She came to the shelter after she and their two daughters had been violently assaulted by her husband. She feared for her life then and there is no question that she fears for her life now.

She divorced her husband in 1984 after he went back to Korea. He is a teacher and was here on a J-1 visa; Ms. Bae held a J-2 visa.

Ms. Bae heard recently through relatives that her former husband has been very vocal in his threats to kill her if she has to return to Korea. She told me that in her native land, men command and every woman has to follow and that women are not treated like human beings. Her father-in-law had many wives and her husband hates women except for his mother.

Since he returned to Korea she was unable to get child support or alimony from her husband, and has been working as a translator and escort at a Korean social services office in Maryland. Ms. Bae speaks English well and is highly regarded by her employers.

Her daughters were born here in 1972 and 1974 and are American citizens but too young to petition for their mother. They are receiving their secondary educations here and are also studying music. Their mother feels that their talent justifies the financial sacrifice this means.

Ms. Bae is also the beneficiary of S. 335. In my opinion, she has no option other than these bills.

I spoke with Chang Ai Bae recently and she again indicated how much she fears for herself and her children if they are forced to return to Korea and how much she will work to be a productive citizen of this country.

I sincerely ask for your sympathetic and favorable consideration of H.R. 737, which is before you today and which means so much to this lady and her small family.

The following additional information is supplied:

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GOOD NEIGHBORS UNLIMITED, INC.
SHELTER FOR BATTERED SPOUSES,
Crownsville, MD, October 21, 1982.

Re Chang Ai Bae.
To Whom It May Concern:

Mrs. Hannah Strauss first contacted us on November 22, 1981 for her neighbor, Chang Ai Bae, to ask what kind of services we had available.

Mrs. Strauss told us she had been very upset because of the voices and cries coming from the Bae apartment, which she felt indicated someone was being hurt. Finally she (Mrs. Strauss) got the nerve to confront Mrs. Bae in the hall, and Mrs. Bae admitted her husband was battering her. Mrs. Strauss said she would call us, find out available services, and bring Mrs. Bae to the Shelter. She brought Mrs. Bae on Nov. 23, 1981. Mrs. Bae related to us ten years of physical, as well as mental abuse, at the hands of Dr. In-Ha Bae. The abuse began right after the marriage.

On the night of November 21, Mrs. Bae had been subjected to being thrown across the room, lumps were on her head from striking it on pieces of furniture, and there were red fingermarks on her neck and throat (which later turned black and blue) where he had tried to choke her. Mrs. Bae did not go for medical treatment, and with rest and aspirin was better in about a week.

Dr. In-Ha Bae came to our office on November 25, 1981. He spent three hours demanding his wife and children be returned to him. He told me I did not understand their culture; that it cannot be construed as abuse when a husband hits a disobedient wife. I asked him how she disobeyed him, and he replied she took the children to church. This seemed to be the only way he could remember that she had disobeyed him. He told me he was going to see that she return to Korea with him, for there he would be free to punish her as he saw fit without interference. He said, "Then if she disobeys, I can kill her. There is nothing as bad as a disobedient wife". Every day until he left the country, Dr. Bae called me, threatening and harassing. While talking to me on the phone, Dr. Bae would get angry at what I told him, and I would hear noises as though he was throwing things around the apartment.

Dr. Bae went to the school and tried to pick up the children numerous times, but we were always there to pick them up. The school would not release them to him, as Mrs. Bae had gotten "The Ex Parte Order Petition Against Domestic Violence" signed by the Honorable Judge Vernon Neilson on November 24, 1981. This gave Mrs. Bae temporary custody of the children. Dr. Bae continued harassing his wife by phone and in person until he left the country.

Any further questions may be directed to this office.

PATRICIA A. ERAT, *Director.*

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STATE OF MARYLAND,
FIFTH JUDICIAL CIRCUIT,
Annapolis, December 14, 1982.

Hon. CHARLES McC. MATHIAS, Jr.,
Federal Office Building,
Baltimore, MD.

DEAR SENATOR MATHIAS: Mrs. Marjorie Holt, my Congresswoman, has written to you on behalf of Chang Ai Bae.

I thought you might like some additional background.

Mrs. Bae came into the Shelter for Battered Women a while back with a history of 10 years of beatings from her husband. He has since returned to Korea, after assuring our Director, Mrs. Pat Erat, that if Mrs. Bae returned with him that he would kill her, because he knew nothing would happen to him under Korean law. Mrs. Bae is a lovely Christian lady with two smart, attractive daughters who are American citizens.

I hope you can help her.

Sincerely yours,

JAMES L. WRAY.

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

(Divorce No. 3206345)

CHANG AI BAE, PLAINTIFF

v.

IN HA BAE, DEFENDANT

JUDGMENT OF DIVORCE

This cause standing ready for hearing and being duly submitted by the Plaintiff, the proceedings were read and considered by the Court. Whereupon it is ordered this 13 day of December Nineteen Hundred and Eighty-Four by the Circuit Court for Anne Arundel County sitting in Equity, and by authority of this Court adjudged, ordered and decreed that the above named Plaintiff Chang Ai Bae be and she is hereby divorced "a vinculo matrimonii" from the Defendant the said In Ha Bae. And, it is further adjudged, ordered and decreed:

1. That the Plaintiff shall have custody of the minor children of the parties, namely, Anne F. Bae and Margaret Cornelia Bae, with reasonable rights of visitation to the Defendant.

2. That alimony is denied to the parties.

And it is further adjudged, ordered and decreed that the Plaintiff pay the costs of these proceedings.

ROBERT H. HELLER, Jr., *Judge.*

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STATE OF MARYLAND,
Anne Arundel County, Sct:

I hereby certify that the foregoing is a true copy of Judgment of Court passed in the above entitled cause in the Circuit Court for Anne Arundel County.

In Testimony Whereof, I hereto set my hand and affixed the seal of the Circuit Court for Anne Arundel County this 14 day of December, A.D., 1984.

E. AUDREY COLLIER, *Clerk.*

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 737, as amended, should be enacted and accordingly recommends that the bill do pass.

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